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PTO/SB/21 (09-04)

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FORM

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Total Number of Pages In This Submission

	Application Number	10/748,830
	Filing Date	December/29/2003
	First Named Inventor	Ga-Lane CHEN
	Art Unit	2851
	Examiner Name	William C. DOWLING
9	Attorney Docket Number	US3637

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		
Pre-Appeal Brief Request for Review; and Notice of Appeal are included herewith.		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name		
Signature		
Printed name	Jeffrey T. Knapp	
Date	24 Apr 2006	Reg. No. 45,384

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	
Typed or printed name	Jeffrey T. Knapp
Date	24 Apr 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) US3637
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>24 Apr 2006</u></p> <p>Signature <u>Jeffrey T Knapp</u></p> <p>Typed or printed name <u>JEFFREY T. KNAPP</u></p>		<p>Application Number 10/748,830</p> <p>Filed Dec. 29, 2003</p> <p>First Named Inventor GA-LANE CHEN</p> <p>Art Unit 2851</p> <p>Examiner WILLIAM C. DOWLING</p>

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- applicant/inventor.
- assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)
- attorney or agent of record. # 45,384
Registration number _____
- attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Jeffrey T Knapp
Signature

JEFFREY T. KNAPP
Typed or printed name

714/626-1229

Telephone number

24 APR 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.



*Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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APR 24 2006

PRE-APPEAL BRIEF REQUEST FOR REVIEW

In re Application of: Chen et al
Serial No.: 10/748,830
Confirmation No.: 7172
Filed: Dec. 29, 2003
For: Color Projection Display Device

) Examiner:
) William C, Dowling
) Group Art Unit: 2851
) Date: April 24, 2006

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571)273-8300.

Signed  Date: 4/24/06
Jeffrey T. Knapp

Honorable Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

In response to the Advisory Action mailed March 22, 2006, consideration of the following remarks and matters are respectfully requested.

Remarks begin on page 2 of this paper.

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Reply to Advisory Action of Mar. 22, 2006

REMARKS

Issues Presented In the Advisory Action

Applicants submit that the Advisory Action was not appropriately made. The Examiner fails to comply with a requirement set forth in MPEP §707.07(f) "Answer All Material Traversed", in which it is held that "[W]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it". Instead, the Examiner addresses the status of Final Office Action, failing to take note that which was argued by Applicants at all, to the broadest understanding (See the last Paragraph of Page 8 of "Reply filed March 08, 2006", hereinafter REPLY).

Enablement Requirement

Applicants noted in the REPLY that the Examiner did not officially maintain the previous rejection made under 35 U.S.C. §112, 1st paragraph. However, in the Response to Arguments section, the Examiner stated that "Applicant's argument with respect to the enablement rejection (of the previous nonfinal Office Action) is unpersuasive" because while "it admittedly is known to use color filter arrays to form multicolor light beams or color separation means to separate white light into color components, such features were not described in the specification as pertaining to Applicants' invention" (Emphasis added).

Applicants respectfully disagree with this statement (See page 2 of REPLY), submitting that sufficient support is provided by the application, as originally filed. Furthermore, Applicants submit that a mention of an enablement issue in the "Response to Arguments" section does not qualify as an officially stated rejection within the current Final Office Action. Accordingly, Applicants contend that a new

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Office Action is required to present such a rejection to officially maintain such an argument and that such a rejection would have to be treated as though newly presented.

Furthermore, Applicants submit that prosecution is not at all furthered by not addressing an issue that the Examiner obviously believes could reverse the patentability of the instant application. Specifically, Applicants cannot, in good faith, expect that prosecution of this case would indeed be completed upon a decision by the Board of Patent Appeals and Interferences, with such a potential issue left outstanding. Instead, Applicants have reason to believe that there is a high likelihood that the rejection under 35 U.S.C. 112, 1st Paragraph, would be revisited by the Examiner upon an Appeal decision.

Claim Rejections - 35 USC §103

Claims 1, 2, 8, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang US 5,612,814 in view of Gove et al. 5,489,952.

In response to rejections thereto, Applicants traversed the rejections for the following reasons:

1. The proposed modification definitely eliminates or at least bypasses the source stopper and the reflection mirror, thus rendering the prior art unsatisfactory for its intended purpose and destroying the operational principle of the primary reference, i.e., Yang '814 (See Pages 3-5 of REPLY).
2. Further, a teaching or a suggestion to make such a claimed combination cannot be found in the cited prior art references, e.g., Yang '814 and Gove et al. '952. On the contrary, a teaching, a suggestion, or a desirability to do so can only be found

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in Applicant's prosecution documents (Communication filed on Nov. 04, 2005, Page 15), evincing the use of impermissible hindsight (MPEP §2145.X.A.; See Page 6 of REPLY).

3. When considered in its entirety, Yang '814 teaches away from being modified to use a direct illumination as the Examiner alleged (MPEP §2143.02; See Pages 6 and 7 of REPLY).
4. Applicants note that Gove et al. '952 is silent to the reason or any advantage of using direct illumination of a spatial light modulator 118 with light from a light source 120. Thus, it is believed that, even in the prior art references could be combined, there is no suggestion or motivation for doing so, which can be derived from the references themselves or from a source other than the instant application.
5. Furthermore, Applicants submit that even modifying Gove et al. '952 with Yang '814, a *prima facie* obvious case cannot be made against the present application. Gove et al. teach “[T]his invention relates to ... displays that must support multiple video standards and use two dimensional spatial light modulators (SLMs) as their light modulating elements” (Column 1, lines 7-10), and “[T]he present invention ... addresses problems with spatial light modulator designs and algorithms that work together to present multiple video standards ...” (Column 1, lines 62-64). Gove et al. '952 also teach “[A] multi-format display system including hardware and algorithms for digital and High Definition Television” (ABSTRACT). Applicants submit that televisions are functionally and structurally different from the color projection display device as set forth in the current claims, and the SLM is critical and not replaceable according to the

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principle of operation of Gove et al. '952 reflected therein and exemplified above.

Such an SLM does not read on the claimed micro-mirror unit, e.g., switching from an on state and an off state. Therefore, Applicants submit that Gove et al. '952 cannot be taken alone or as a primary reference being modified with any other references, including Yang '814, to arrive at the present application.

Claims 2, 9, and 12 depend from claim 1, 8 and 11, respectively, and therefore should also be allowable.

Claims 3-7, 10, 13 and 14 are rejected under 35 U.S.C 103(a) as being unpatentable over Yang and Gove et al. as applied to claim 1, and further in view of Hornbeck (5,583,688)

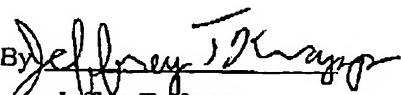
Claims 3-7 depend from claim 1 and, therefore, should also be allowable.

Claims 10 and 14 depend from claim 8 and, therefore, should also be allowable.

Claim 13 depends from claim 11 and, therefore, should also be allowable.

Accordingly, Applicants submit that the present application is now in condition for allowance, and an action to such effect is earnestly solicited.

Respectfully submitted,
Ga-Lane Chen et al

By 
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